

REMARKS

Summary of the Examiner's Actions

The examiner rejected Claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by Kim, et al., U.S. Patent 6,598,563 ("Kim"). Applicant acknowledges the rejection under 35 U.S.C. § 102(b).

Amendments to the Claims

Claim 12 has been amended to properly reflect that only a single step is recited, i.e., "the steps" has been modified to "the step." Applicant respectfully submits that such change is made to correct a grammatical error and has no effect on the scope of the claim.

Rejections under 35 U.S.C. § 102(b)

The examiner rejected Claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by Kim. Section 2131 of the Manual of Patent Examining Procedure describes the basis for anticipation under 35 U.S.C. § 102. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Kim discloses a pet training device having a wireless remote that allows a user to adjust response of a training collar worn by an animal. Figure 2 illustrates the wireless command module. Kim describes the wireless command module as having a plurality of switches with specified functions. Kim, col. 3, lines 33-53. Specifically, there are seven buttons each having a single function: (1) instant output mode switch 101, (2) continuous output mode switch 102, (3) receiver selection switch 103, (4) shock level decrease switch 104, (5) shock level decrease switch 105, (6) vibrate output mode switch 108, and (7) vibrate and shock mode switch 109. *Id.* The settings Kim does not disclose that the functions of these buttons can be modified.


Claim 1 of the present application includes the step of “assigning a function to each of a plurality of function selectors, said function associated with said training mode.” Claim 4 the similar step of “means for assigning a function to each of a plurality of selectors based upon said selected mode.” Claim 6 includes the limitation of a processing device that “assign[s] a function to each of said plurality of function selectors in response to said selected mode.” Claim 8 includes the limitation of a processing device that “produc[es] a data packet in response to activation of one of said plurality of function selectors, said data packet including function information associated with said activated selector corresponding to said selected mode.” Finally, Claim 10 includes the step of “populating a data packet with a function code associated with said training mode in response to said step of activating one of a plurality of function selectors.” Each of these limitations is drawn to assigning a function to a particular button based upon the mode of operation selected by the user. The ability to assign a function to a particular button based upon the selected mode and to change the function by changing modes is not disclosed by Kim. Claims 2, 3, 5, 7, 9, 11, and 12 are allowable as each depends from an independent claims containing features not found in the cited prior art. Accordingly, Applicant respectfully requests that the examiner withdraw the rejection of Claims 1-12 under 35 U.S.C. § 102(b).

Summary

In view of the amendment to Claim 12 and the arguments presented herein, it is believed that the above-identified patent application is in a condition for the issuance of a Notice of Allowance. Such action by the examiner is respectfully requested. If, however, the examiner is of the opinion that any of the drawings or other portions of the application are still not allowable, it will be appreciated if the examiner will telephone the undersigned to expedite the prosecution of the application.

Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 16-1910.

Respectfully submitted,


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